

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	X
	:
ESLAM HASSAN,	:
	:
Plaintiff,	:
	19-CV-6424 (JPC)
	:
-v-	:
	ORDER ADOPTING
	REPORT AND
C.O. JOHN DOE et al.,	<u>RECOMMENDATION</u>
	:
Defendants.	:
	:
	X

JOHN P. CRONAN, United States District Judge:

Plaintiff Eslam Hassan, proceeding *pro se*, brings this action pursuant to 42 U.S.C. § 1983, alleging deliberate indifference to his serious mental illness and excessive force at the Anna M. Kross Center on Rikers Island. Dkt. 2. Defendants filed a motion to dismiss for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. Dkt. 80. By Order dated May 28, 2021, the Honorable Kevin Nathaniel Fox, to whom this case has been referred for both general supervision of pretrial proceedings and for a Report and Recommendation on any dispositive motions, issued a Report and Recommendation, recommending that the motion be granted. Dkt. 86.¹

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge” in a Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). If a party submits a timely objection to any part of the magistrate judge’s disposition, the district court will conduct a *de novo* review of the contested section. Fed. R. Civ.

¹ The Report and Recommendation was mailed to Hassan at his two last known addresses. On May 28, 2021, it was mailed to Hassan at 712 Crown Street, Apt. F19, Brooklyn, NY 11213, and on August 5, 2021, it was mailed to Hassan at 1 Halleck Street, Bronx, NY 10474.

P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). If no objections are made, the Court reviews the Report and Recommendation for clear error. *See, e.g.*, *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

The Report and Recommendation, citing both Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1), advised the parties that they had fourteen days from service of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. Dkt. 86 at 8. No objections have been filed and the time for making any objections has passed. The parties have therefore waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga County*, 517 F.3d 601 (2d Cir. 2008).

Notwithstanding this waiver, the Court has conducted a *de novo* review of the Report and Recommendation, and finds it to be well reasoned and its conclusions well founded. Accordingly, the Court ADOPTS the Report and Recommendation in its entirety.

SO ORDERED.

Dated: August 30, 2021
New York, New York



JOHN P. CRONAN
United States District Judge